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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
DINH, DUC Q

ART UNIT	PAPER NUMBER
2674	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/816,923	IEPEREN, TACO VAN
	Examiner	Art Unit
	DUC Q DINH	2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-116* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-116* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Double Patenting

1.   The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.
Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA
1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to
overcome an actual or provisional rejection based on a nonstatutory double patenting ground
provided the conflicting application or patent is shown to be commonly owned with this
application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37
CFR 3.73(b).

2.   Claims 1-116 are rejected under the judicially created doctrine of double patenting over

claims 1-26 of U. S. Patent No. 6,741,267 B1 since the claims, if allowed, would improperly

extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is

covered by the patent since the patent and the application are claiming common subject matter,

as follows: "An electronic writeboard for communicating with a computer running on a said

computer including applications software and running an active application having input focus

comprising: a touch sensitive panel on which screen image output of said computer is displayed,

said touch sensitive panel being responsive to user contact and generating events; **a keyboard**

window displayed on said touch sensitive panel and including a keyboard having a plurality of

user selectable keys; a driver receiving events generated by said touch sensitive panel, said

driver sensing user contact on said touch sensitive panel within said keyboard window and

generating messages in response to user selection of keys of said keyboard; and a controller

executing a keyboard application and receiving said messages, **said keyboard application processing said messages to provide data directly to the active application running on said computer corresponding to keys of said keyboard contacted by said user to bypass the computer operating system and thereby avoid input focus shifting to said keyboard application in response touser contacts on said touch sensitive panel within said keyboard window.**

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4.   Claims 1-104, 115-116 are rejected under 35 U.S.C. 102(a) as being anticipated by Ouellette et al. (U. S. Patent No. 5,581,243) hereinafter Ouellette.

In reference to claims 1-2, Ouellette discloses method an apparatus using a simulated keyboard on a touch sensitive display in Fig. 2 and 3 comprising: a screen 28 (corresponding to the touch panel) and a simulated keyboard 50. The simulated keyboard K can be used to enter data or commands for running, for example, commercially-available standard software packages such as data processing, spread sheet, and data-base management programs, which have been

designed for use with conventional keyboard devices. It can be appreciated that the simulated keyboard K is a general-purpose input device, useful in conjunction with a broad range of computer application programs (col. 5, line 66 – col.6, line 7).

In reference to claim 3, Ouellette discloses a plurality of alphanumeric keys as claimed.

In reference to claims 4-5, Ouellette discloses the phantom keyboard thus produced is of particular value **since it preferably operates using a memory resident routine which is independent of the application program being run**. For example, when used in conjunction with spread sheet programs, entire output screens (i.e., spread sheets) can be viewed while entering or editing data into cells of the spread sheets using the phantom keyboard. No external, conventional keyboard is required (col. 3, lines 24-36).

In reference to claims 6-10, Ouellette discloses that if the SIMULATED KEYBOARD ON/OFF button 34 is "held down" or touched for several seconds, an OPTIONS or set-up screen appears, as shown in FIG. 4. The OPTIONS screen is illustrated as having a plurality of touch sensitive buttons 52-66 arranged by function. The "keyboard type" buttons 52, 54 control whether the keyboard is alphabetically arranged (i.e., alpha) or arranged as are conventional typewriter's keys (i.e., QWERTY), respectively. One or the other of the buttons 52, 54 can be pressed to indicate a users choice. The "sound" control 56 consists of on/off buttons, and is used to enable or disable, for example, the "click" that is customarily used as an audio indication of the pressing of a keyboard keys (col. 6, lines 42-58).

In reference to claims 11-22, refer to the rejection as applied to claims 3-10.

In reference to claims 23-24, refer to the rejection as applied to claims 1-2. In addition, Fig. 5 shows an active program is superposed on the keyboard (active application retaining said input focus during generation and receiving of user input).

In reference to claims 25-44, refer to the rejections applied to claims 4-22.

Claims 45-83 are method claims corresponding to the apparatus of claims 1-42 and therefore, rejected based on the same basis set forth in said claims.

In reference to claim 84, Ouellette disclose a computer system in Fig. 1 shows a computer system 10. At the working heart of the system 10 is a central processing unit ("CPU") 12 which communicates with a memory 13, a clock 14, and peripherals via a bus 15. These peripherals include an interactive user interface 16, touch screen controller 18 and display controller 20. The user interface 16 has a transparent touch-sensitive input screen or panel (the "touch screen") 24 and a conventional display unit 26. The display unit 26 has an output screen 28. Preferably, the touch screen 24, overlays, i.e., mounts as a frontplate directly over, the output screen 28. Shown on the output screen 28 is a simulated keyboard, generally designated at K (col 4, lines 46-60).

In reference to claim 85, Ouellette discloses the textual data shows in the application window in Fig. 2 and 3.

In reference to claims 86-88, refer to the rejection as applied to claims 4-10.

In reference to claims 89-90, refer to the rejections as applied to claims 85-88.

In reference to claims 91-104, 115-116, refer to the rejection as applied to claims 1-22.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 105-114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouellette

in view of Martin (U. S. Patent No. 5,448,263).

In reference to claims 105, Ouellette discloses everything except the system is used in a

electronic write board. Martin discloses a write board (see Fig. 1).

It would have been obvious for one of ordinary skill in the art at the time of the invention

was made to provide the system of Ouellette in the electronic write board for providing an data

input device that would produced an input device preferably operates using a memory resident

routine which is independent of the application program being run. For example, when used in

conjunction with spread sheet programs, entire output screens (i.e., spread sheets) can be viewed

while entering or editing data into cells of the spread sheets using the phantom keyboard. No

external, conventional keyboard is required (col. 3, lines 30-36).

In reference to claim 106, Ouellette discloses the other optional buttons in Fig. 4 outside

the keyboard region in sent to the CPU for processing.

In reference to claim 107-108, Ouellette discloses in FIG. 8 depicts a routine 100a of

algorithm 100 for installing the simulated keyboard program in memory 13. In block 102, the

simulated keyboard program is loaded into memory 13 and its calibration checked. This step

includes the entering of various routines 102b-102e.

In reference to claims 108-109, Ouellette disclose the process in FIG. 11 shows a

SPECIAL-ACTIVE routine 102d. Whenever the toggle full screen button is pressed, this

program determines whether to display or remove the Keyboard. Whenever the Keyboard is to

be displayed, it is always displayed in the bottom half of the screen. In block 126 certain flags or

parameters are set, including: ALTERNATE FULL which is set to false. Then routine 102d

determines whether or not the Keyboard is active, if it is, then another parameter FULL

SCREEN is set to true in block 130. Then a routine refresh display 102(e) is called, which shall

be described next and is depicted in FIG. 12. The refresh display routine controls the painting of

the screen and particularly is utilized to establish the phantom keyboard (col. 9, line 63 – col. 10,

line 27).

In reference to claims 110-114, refer to the rejection as applied to claims 105-109. In

addition, Martin discloses the projector coupled to the computer and projecting image output of

the computer onto the electronic write board as claimed.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **DUC Q DINH** whose telephone number is **(703) 306-5412** The

examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,

Arlington, Va Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Technology Center 2600 Customer Service Office whose telephone

number is (703) 306-0377.

DUC Q DINH
Examiner
Art Unit 2674

DQD
October 29, 2004

REGINA LIANG
PRIMARY EXAMINER